

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|----------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 8:92CR14 |
| |) | |
| v. |) | |
| |) | |
| CLEVELAND JOHNSON, |) | ORDER |
| |) | |
| Defendant. |) | |
| _____ |) | |

This matter is before the Court on defendant's notice of appeal (Filing No. 1039). The Court notes defendant has not paid the appeal fee; nor has any motion to proceed *in forma pauperis* has been received. The Court will permit defendant to proceed on appeal *in forma pauperis*. However, defendant has not made a substantial showing of the denial of a constitutional right, and no certificate of appealability will issue. Accordingly,

IT IS ORDERED:

1) Defendant is permitted to proceed on appeal *in forma pauperis*.

3) No certificate of appealability will issue.

DATED this 11th day of January, 2007.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court